

REMARKS

This Amendment is being filed in response to a Non-Final Office Action mailed May 31, 2006.

Claims 1-11 are pending in the application. Claim 1 is being amended. Claims 17-22 were previously withdrawn without prejudice. Claims 12-16 were previously canceled without prejudice. Claims 1-11 stand rejected. Claims 1-7 and 9 stand rejected under 35 U.S.C. 102(b) as being anticipated by Brown (U.S. Patent 5,280,661). Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Brown. Claims 10 and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Wilkman (U.S. Patent 6,305,531). No new matter is being introduced by way of the amendments.

With regard to the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Brown, Applicants are amending claim 1 to recite that the eye wipe comprises, “a single material forming only one cavity with one opening configured to receive a finger.” Support for the claim amendment is found in Applicants’ specification as originally filed at least in reference to FIGS. 2A-2C.

In contrast, Brown discloses a digital wipe device that is suitable to clean eyeglass lenses. The digital wipe device includes a pair of sheaths 14, 16 each sized to hold a finger or thumb, where each sheath is configured to receive an interconnecting flexible member 24 that extends within each sheath and between the opposed open ends of the sheaths. Wiping sheets 26 are connected by stitching to the opposed sheaths along the flexible member. In other words, each cavity is formed of three materials, a sheath 14 or 16, a flexible member 24, and a wiping sheet 26 (Brown, FIG. 2). Therefore, Brown does not disclose “a single material forming only one cavity with one opening configured to receive a finger,” as recited in Applicants’ amended claim 1.

For this reason, Applicants respectfully submit that Brown is not anticipatory prior art of amended claim 1. Accordingly, Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. 102(b) be withdrawn.

Claims 2-7 and 9, which depend from claim 1, should be allowable for at least the same reasons as claim 1.

With regard to the rejection of claims 8 and 16 under 35 U.S.C. 103(a), because claim 8 depends from claim 1, the arguments above apply. Thus, because claim 1 is not rejected under 35 U.S.C. 103(a), claim 8 should be allowed for at least the same reasons as claim 1. Moreover, because Brown is directed to cleaning eyeglasses having an interconnecting flexible member, sheaths 14,16, and wiping sheets 26 (col. 2, lines 34-39), Applicant's amended claimed invention of "a single material having only one cavity" defeats the purpose of Brown because Brown must include the flexible member, wiping sheets, and sheaths to perform the function of cleaning eyeglasses. Therefore, a prima facie case of obviousness has not been shown. Accordingly, Applicants respectfully request that the rejection of claims 8 and 16 under 35 U.S.C. 103(a) be withdrawn.

With regard to the rejection of claims 10 and 11 under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Wilkman, Applicants respectfully submit that neither Brown nor Wilkman, alone or in combination, teaches or suggests Applicants' invention as amended in claim 1 as described above. In addition, Brown, as described above, fails to teach Applicants' amended claimed invention and, therefore, the combination of Brown and Wilkman also fails as a prima facie case of obviousness. Accordingly, the rejection of dependent claims 10 and 11 should be withdrawn for at least the same reasons as claim 1 from which they depend.

Conclusion

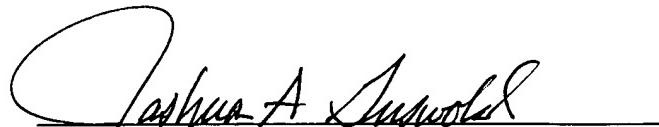
In view of the above, it is believed that the application is in order for issuance. Should the Examiner have any further questions or comments, the Examiner is invited to call the Applicants' representative at the phone number provided below.

Enclosed is a check in the amount of \$60 to cover the Petition for One-Month Extension of Time. No additional fees are believed due. However, please apply any deficiencies or any other required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Applicant : Temple et al.
Serial No. : 10/622,409
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Respectfully submitted,



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